

## ROUTING AND SHEET

(Optional) Draft Joint Service Legislation  
of Section 1604, Public Law 98-  
Intelligence Components

Proposal to Extend the Provisions  
of the Military Departments'

FROM: Robert W. Magee  
Director of Personnel

EXTENSION

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DATE DEC 3 1985

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1985

MEMORANDUM FOR: Chief, Legislation Division  
Office of Legislative Liaison

FROM: Robert W. Magee  
Director of Personnel

SUBJECT: Draft DOD Joint-Service Legislative Proposal  
to Extend the Provisions of Section 1604,  
Public Law 98-618, to the Military Departments'  
Intelligence Components

REFERENCE: Memorandum for multiple addressees from Robert J. Winchester,  
Special Assistant to the Secretary of the Army for  
Legislative Affairs, same subject, dated 23 October 1985

1. We have reviewed the subject proposal and have no substantive objection to it. We would be concerned if any of this Agency's unique personnel authorities were to be extended to agencies and/or personnel whose mission, functions, responsibilities, and duties did not really warrant such special authorities and entitlements. The present proposal does not present such a situation or cause for concern.

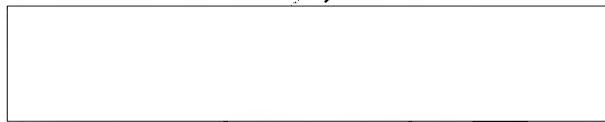
2. The subject proposal would authorize the Secretary of Defense to exercise with respect to civilian officers and employees of the intelligence components of the Departments of the Army, Navy, and Air Force the same special personnel authorities granted to him by Section 1604 of Public Law 98-618, the Intelligence Authorization Act for Fiscal Year 1985, with respect to employees of the Defense Intelligence Agency (DIA). One of those authorities was the power, without regard to the provisions of any other law concerning the number, classification, or compensation of employees, to establish such positions for civilian officers and employees in the DIA as deemed necessary to carry out its functions, appoint individuals to such positions, and fix the compensation for such positions in relation to but not bound by the General Schedule (except not to exceed the rate of basic pay for GS-15, step 10, for non-Defense Intelligence SES members). Second, Section 1604 authorized the Secretary of Defense during fiscal years 1985, 1986, and 1987, notwithstanding any other provision of law, to terminate the employment of any civilian officer or employee of the DIA when he determines that such action is in the interests of the U.S. and that the normal termination procedures provided in other pertinent laws cannot be invoked in a manner consistent with national security. Such decisions are final and not appealable or reviewable outside DOD, but must be reported to the HPSCI or SSCI. The first of these authorities essentially represents a "personnel-classification-and-compensation-only" version of Section 8 of the CIA Act, the second a temporary and more limited version of the DCI's employment termination authority under Section 102(c) of the National Security Act. Thus, the P.L. 98-618 authorities are not as extensive as the CIA authorities from which they apparently were derived.

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**SUBJECT: Draft DOD Joint-Service Legislative Proposal  
to Extend the Provisions of Section 1604,  
Public Law 98-618, to the Military Department's  
Intelligence Components**

3. In sum, then, we know of no sound policy grounds for raising any substantive objection to the expansion of the P.L. 98-618 authorities to encompass civilian employees of the military departments' intelligence components.



Robert W. Magee

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OFFICE, CHIEF OF  
LEGISLATIVE LIAISON

## DEPARTMENT OF THE ARMY

OFFICE OF THE SECRETARY OF THE ARMY

WASHINGTON, DC 20310-1600

23 OCT 1985

MEMORANDUM FOR: SEE DISTRIBUTION

SUBJECT: Draft Joint-Service Legislative Proposal  
To Extend the Provisions of Section 1604,  
Public Law 98-618 to the Military Departments

1. The Director of Central Intelligence recently requested from the various entities within the Intelligence Community legislative proposals that might be considered for submission as attachments to the FY 1987 Intelligence Authorization Bill. In response to that request and per DCI instruction concerning format, the proposal attached at TAB A was submitted.

2. In anticipation of the DCI requesting a more detailed exposition of the legislative proposal, the document at TAB B was written and is being circulated for your information, review, and coordination. I would appreciate receiving telephonic coordination NLT/COB, Friday, 1 November. Should that deadline pose a problem, I would appreciate your notifying my secretary, Marian O'Donnell, at 695-3918. Your cooperation in reviewing the proposal at TAB B is greatly appreciated.

A handwritten signature in black ink, reading "Robert J. Winchester".

Robert J. Winchester  
Special Assistant to the  
Secretary of the Army  
for Legislative Affairs

Attachments

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23 OCT 1985

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[redacted] Washington, D. C. 20301-6111  
STAT Director, National Security Agency, ATTN: M33  
[redacted] 9800 Savage Road, Ft. George G.  
Meade, MD 20755-6000  
HQ, USAF/INXX, ATTN: Mr. Culkowski, Washington, D. C.  
20330-5110  
Commander, Naval Intelligence Command, ATTN: NIC-OOC  
(Mr. Harmon), 4600 Silverhill Road, Washington, D. C.  
20389  
Commandant, US Marine Corps, ATTN: INTP (Mr. Gunther),  
Washington, D. C. 20380  
HQDA, ATTN: DAMI-ISI (Mr. Moore), Washington, D. C.  
20310-1063  
OSD/LA (LTC Hess)

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